



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Børresen et al

Serial No. 10/549,610

Confirmation No. 8171

Filed: 19th March 2004

Title: SYSTEM FOR BUILDING WITH
GLASS BLOCKS

Group Art Unit: 3633

Examiner: A, Phi Diu Tran

Atty. Dkt. No.: 06117.0007.PCUS00

DECLARATION UNDER 37 CFR § 1.131

I the undersigned, do hereby declare as follows:

1. I am over eighteen years of age and otherwise competent to make this declaration.
2. I am one of the three named inventors of US patent application serial number 10/549,610 entitled System For Building With Glass Blocks.
2. I understand that the present application has been rejected based on an earlier US patent by Wright, US 6,823,634. I submit this declaration to demonstrate that the invention claimed in the present Application was conceived and reduced to practice before the November 7, 2002 filing date of Wright.
3. At the time of conception and reduction to practice of the claimed invention, I was involved in the development and marketing of systems for glass block wall constructions. Mr Borresen and Mr Olsen were resident in Norway and Mr Zyznowski was resident in Sweden.
4. In June 2000, Mr Jon Cato Olsen and Mr Bjorn Oddvar Borresen had filed a patent application in Norway for a method and device for building with glass blocks. On 20th June 2001 a PCT patent application was filed and later published as WO02/12651. That system required spacers located between adjacent glass blocks. The blocks were adhered to the spacers using an adhesive. An advantage of that system over earlier systems was that it did not require the use of conventional mortar. At that time, the spacing strips that we used were made of foamed

polystyrene and were solid i.e. not hollow. Previously, similar wooden spacers had been used but these were not suited for use in wet areas, such as showers, since the wood could adsorb moisture and swell.

5. On 20th September 2001, the three named inventors met at the premises of Mr Olsen in Norway to discuss possible improvements to the construction. In particular we had noticed that the existing walls were rather rigid and could break on lateral impact or load by fracture of the spacing strip. We were particularly interested in making a wall construction that could better withstand lateral impact. We also wanted to determine whether it was possible to achieve product accreditation according to the DIN 4103 standard for internal non load-bearing walls. One of the tests we wanted to pass was for a free standing wall supported only at the base and along one side. This test required the wall to withstand a blow by a large object in the form of a 50 Kg sack. At the meeting, we conceived the idea of using a hollow spacing strip.

6. In February 2002, we ordered manufacture of an elongate, generally planar spacing strip of plastics material, having upper and lower surfaces forming an outer cross section generally corresponding in shape to an intended spacing between two adjacent blocks in the completed glass block wall construction. The spacing strip comprised a body portion having a first thickness and having a centrally disposed elongate channel on upper and lower surfaces thereof, and flange portions having a second thickness less than the first thickness, the flange portions extending laterally from the body portion. The spacing strip had a generally hollow interior with upper and lower walls and was otherwise as drawn by our draftsman and attached as Exhibit 1. See also attached as Exhibit 2 an invoice from our supplier dated 2002-03-15 (where an English translation of the relevant text has been added). The drawing is dated 2001-10-15 but its dimensions were in fact slightly revised (revision B) on 11th March 2002 as may be understood from Exhibit 3 discussed below. This drawing corresponds to Figure 2 of the present application and also to a design registration submitted in Sweden on 29th October 2001 and published on 30th April 2002 (Exhibit 4). The strip was used to construct a number of glass block walls. For the construction we used a one component polymer adhesive to glue the profile to the blocks. We internally tested the new profile according to the DIN 4103 test on or around April 2002 and found that it met our objective in that the profile did not break on impact as in the previous tests. Nevertheless we found that the vertical weight-bearing capacity was insufficient.

the system further comprising an

7. The one-component polymer adhesive that was used for the tests was supplied by Sunchem AB. It was an adhesive of the type that hardens by evaporation of a solvent and comprises groups which compatibilise the polymer with the plastics material of the spacing strip. A product data sheet from 7th May 2002 is enclosed as Exhibit 5, identifying this glue as "Quicktech Special Adhesive". An invoice for a consignment dated 2002-03-19 is enclosed as Exhibit 6.

8. In order to strengthen the construction still further we decided to adapt the design by adding additional internal reinforcing to the profile to improve the vertical weight bearing capacity. This design was as drawn by my draftsman according to Exhibit 3, which is dated 6th November 2002 (Revision C) and led to the embodiment of present claim 4. We internally tested walls constructed of the new profile in November 2002 and were confident that it would fully meet the requirements of the DIN 4103 test.

9. On 16th January 2003 the LGA testing institute was requested to conduct the DIN 4103 test on a glass wall constructed using these strips. This required Mr Zyznowski and Mr Borresen to travel to Germany and build a number of glass block walls at the premises of LGA in Wurzburg. The tests took place on 12th March 2003 and are documented in videos that are included herewith as Exhibits 7 and 8. The glass block walls constructed using the profile of Exhibit 3 achieved the required standard in the DIN 4103 test. To the best of my knowledge, no other construction system has successfully fulfilled this DIN requirement for walls supported only at the base and one edge.

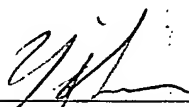
10 On successful completion of the tests, we immediately took the necessary steps to file a patent application claiming the system based on both the profile strip according to Exhibit 1 and also the final version according to Exhibit 3. That application was filed in UK on 20th March 2003 as GB0306423.5 and the present application claims priority therefrom. The embodiment according to Exhibit 3 is shown schematically according to Figure 4 and is claimed in claim 4.

11. It is clear from the foregoing facts that the invention presently being claimed in US patent application serial number 10/549,610 was both conceived and reduced to practice on or before the date of Exhibits 1 and 2 in March 2002 and well before the date of Exhibit 3 of 6th November

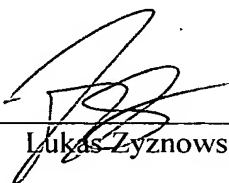
2002. I also believe that we have been diligent in filing and prosecuting the application for this invention which was first filed as UK application number 0306423.5 on 20th March 2003, subsequently continued as PCT application PCT/EP04/02984 on 19th March 2004 and filed in the United States under 35 USC 371 on 20th September 2005.

All statements made in this document of my own knowledge are true and all statements made on information and belief are believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the patent application or any patent issuing thereon.

Respectfully submitted,


Bjorn Oddvar Borresen

Fredrikstad 2010-05-28
Place, Date

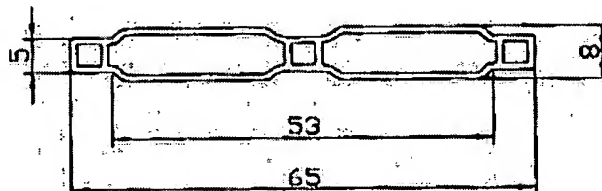

Lukas Zyznowski


Fredrikstad 2010-05-28
Place, Date


Jan Cato Olsen

Fredrikstad 2010-05-28
Place, Date

Ex. 1



| | | | | | | |
|---|---------------------------|-------------------|--------------------|-------------------|-----------------------|------------------------|
|  Profilspecialisten IIAB plant | Material: Styren | | Art: Natur | Vikt: kg/m | Mått: B var 10 | Mått: 160 mm |
| | Konstr: T.T | Ritad: T.T | Konstr: T.T | Geok: T.T | Skala: 1:1 | Rev: B |
| | Benämning: FOGLIST | | | | Do: 20011015 | Ritad: 20011015 |
| | | | | | | |
| PROFILSPECIALISTEN ABBANGARDSVÄGEN 45 SE-42036 KALLERED, SVEDEN PHONE +46(0)31-7952000 TELEFAX +46(0)31-7953885 | | | | | | |

Ex. 2

Profilspecialisten Mölndal AB

Faktura

Nummer

Sida

21138

124

Kundnr
1509Datum
2002-03-19

Leveransadress

QUICKTECH SYSTEMS AB
 STARTVISION 180 AB
 BOX 648
 442 17 KUNGÄLV

Betalningsvillkor
 30 DAGAR NETTO

Leveransvillkor
 FRITT FABRIK KALLERED

Er referens
 LUKAS ZYZNOWSKI

VAT-nr
 SE556307380701

Leveranstid
 020305

Leveranssätt
 BIL

Vår referens
 TORE THALENIUS

Innehär F-skattsedel

Förfallodatum 2002-04-14

Ordernr: 15848

| Benämning | Antal | Enh | Pris | Belopp |
|-----------------|-------|-----|------|--------|
| ER ORDER 011025 | | | | |

DEL I VERKTYGSKOSTNAD
 FOGLIST ENL RITN 20011015
 INKL UTFALLSPRÖV

1

20 000,00

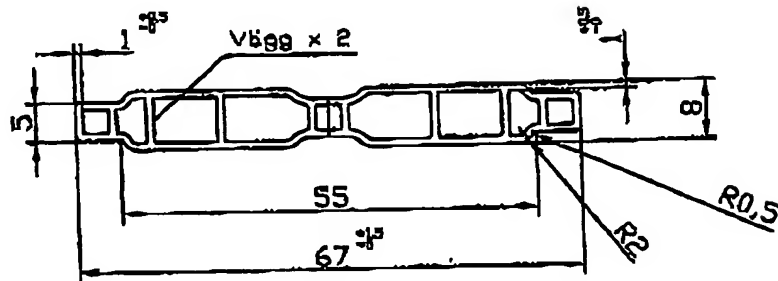
20 000,00

Cost of the extruding tool.

| Antal | Pris | Kontant | Kredit |
|-------|-------|---------|--------|
| 2640 | 5200 | | |
| 4000 | 20000 | | |
| 6920 | | 2440 | 25.000 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Dröjsmålsränta debiteras med 12,00 % efter förfallodatum

| Summa | Frak | Försäkring | Faktagift | Moms | Öresutj | Att betala |
|-------------------------------|------------------|------------|--------------------------|----------|-------------------|------------|
| 20 000,00 | | | | 5 000,00 | | 25 000,00 |
| Postadress | Gatuadress | | Telefon/fax | | Bankgiro/Postgiro | |
| Profilspecialisten Mölndal AB | BANGÅRDSVÄGEN 45 | | 031-7952000 | | 462-3371 | |
| BANGÅRDSVÄGEN 45 | KALLERED | | 031-7953885 | | 424 84 11-3 | |
| 428 36 KALLERED | | | Styrelsens säte: MÖLNDAL | | | |



original drawing *

| | | | | | |
|---|---|--------|--|-----------|-----------------|
| Rev. C. | Mått 67 var 65. Mått 55 var 53. Vbagg x 2 har tillkommit. | | | | Andret 20021106 |
| Rev. B | Mått 8 var 10 | | | | Andret 20020311 |
| Material. | | Färg. | | Vikt kg/m | |
| Styren. | | Natur. | | | |
| Konstr. | Ritad. | Godk. | | Skala. | |
| T.T | T.T | | | 1:1 | |
| Benämning. | | | | Dat. | Rev. |
| FOGLIST | | | | 20011015 | C |
| | | | | Ritad. | 20011015 |
| PROFILSPECIALISTEN ABBANGÅRDSVÄGEN 45 SE-42836 KALLERED, SVERIGEN PHONE +46(0)31-7952000 TELEFAX +46(0)31-7953888 | | | | | |

Profilspecialisten
ITAB
plast



SVERIGE

MÖNSTERREGISTRERING

Nummer: 75 004

Registreringens giltighetstid: 2006-10-29

Patent- och registreringsverket har med stöd av mönsterskyddslagen denna dag tagit in omstående mönster i mönsterregistret.

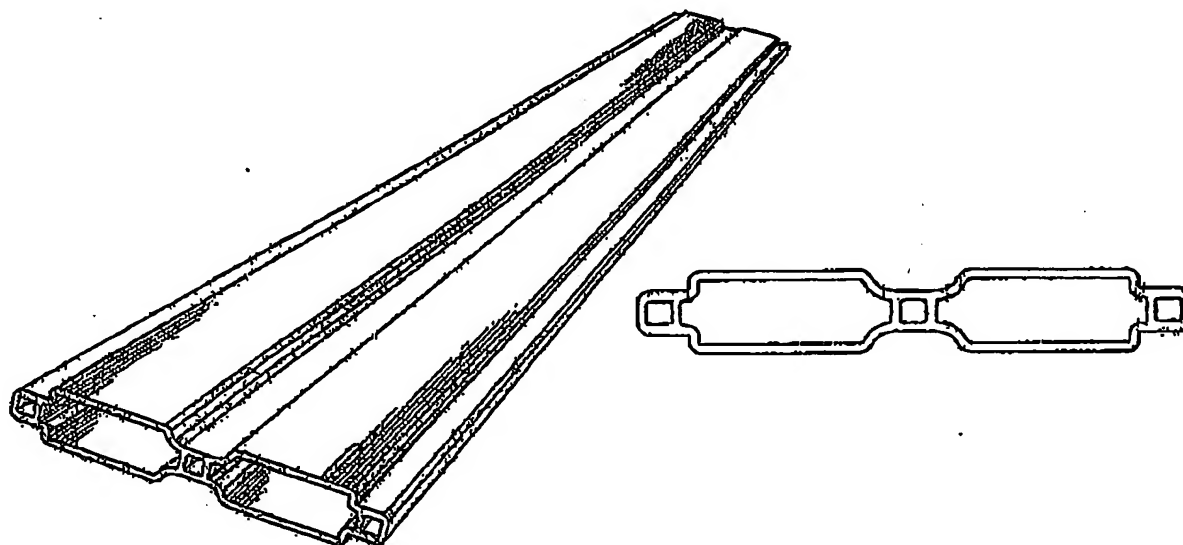
Söderhamn 2002-09-04


Lena Ljusberg

Nr 75004 registrerad 2002-09-04

M ans nr 01-4006

Reg nr 75004



| | |
|--------------|--|
| Produkt | Tätningsslist |
| Klasser | 25-99 |
| Innehavare | Quicktech Systems Aktiebolag, Box 648, 442 17 Kungälv, SE |
| Ombud | Awapatent AB, Göteborg |
| Formgivare | Lukas Zyznowski, Kungälv, SE |
| Ans-datum | 2001-10-29 - Application date |
| Allm tillg | 2002-04-30 - Publication date |
| Kun reg | 2002-09-04 |
| Giltig t o m | 2008-10-29 |

D 908/2002

Att iaktta beträffande förnyelse av mönster

En registrering gäller under den tid som angivits enligt omstående sida. Mönsterregistreringen kan på begäran förnyas. Den totala registreringstiden kan vara maximalt 25 år.

Ansökan om förnyelse görs skriftligen hos Patent- och registreringsverket (PRV) tidigast ett år före och senast sex månader efter utgången av löpande registreringsperiod. Inom samma tid skall förnyelse- och ev tilläggsavgifter inbetalas, annars avslås ansökningsen.

Upplysningar om avgifternas storlek m m kan erhållas hos PRV:s Designenhet, telefon 08-450 20 40.

MSDS**MATERIAL SAFETY DATA SHEET**

Last changed:

Internal No.:

Replaces date:

Quicktech Special Adhesive

1. IDENTIFICATION OF SUBSTANCE AND COMPANY

| | | |
|--------------------------|-----------------------------|--------------------------|
| <input type="checkbox"/> | Approved for use | <input type="checkbox"/> |
| <input type="checkbox"/> | Approved for laboratory use | <input type="checkbox"/> |
| <input type="checkbox"/> | Approved by O. Sundström AB | <input type="checkbox"/> |

| | |
|-------------------|----------------------------|
| TRADE NAME | Quicktech Special Adhesive |
| CHEM. NAME | One component adhesive |

| | |
|----------------|--------|
| ART No. | 400400 |
|----------------|--------|

| | |
|--------------------------|-------------------|
| Producer/Importer | Sunchem AB |
| Address | Box 69 |
| Postal code | 433 21 PARTILLE |
| Country | S |
| Telephone | 031/44 73 10 |
| Fax | 031/44 95 81 |
| Contact pers. | Birgitta Pilquist |
| Responsible | Dick Sundström |

2. COMPOSITION/INFORMATION ON INGREDIENTS

| No | Ingredients name | CAS No. | Conc. (wt%) | Classification |
|----|--|------------|-------------|---------------------------|
| 1 | metylcyclohexan | 108-87-2 | 10-15 | V,F,11-320-322-313 |
| 2 | petroleum naphtha (light), <0,1% benzene | 64742-49-0 | 10-15 | Xn,F,N,R11-38-51/53-65-67 |
| 3 | petroleum naphtha (heavy), <0,1% benzene | 64742-48-9 | 10-15 | Xn,R10-65/66 |
| 4 | metyletylketon | 78-93-3 | 0-1 | Xi,F,R11-36-66-67 |
| 5 | aceton | 67-64-1 | 0-5 | V,F,11-320-313 |

Legend: T+=Very toxic, T=Toxic, C=Corrosive, Xn=Harmful, Xi=Irritant, E=Explosive, O=Oxidising, F+=Extremely flammable, F=Highly flammable, N=Dangerous for the environment

3. HAZARDS IDENTIFICATION

HIGHLY FLAMMABLE. REPEATED EXPOSURE MAY CAUSE SKIN DRYNESS OR CRACKING. VAPOURS MAY CAUSE DROWSINESS AND DIZZINESS.

4. FIRST AID MEASURES**GENERAL**

Never give anything to eat or drink to an unconscious person. If unconscious: Place in stable position on one side. If symptoms persist, call a physician.

INHALATION

Fresh air.

MSDS

MATERIAL SAFETY DATA SHEET

Last changed:

Internal No.:

Replaces date:

Quicktech Special Adhesive

SKIN CONTACT

Remove contaminated clothing. Wash the skin with water and soap. Use moisturizing skin cream to replace lost skin moisture.

EYE CONTACT

Flush well with running water.

INGESTION

Drink a couple of glasses of water or milk. Do not induce vomiting. To hospital if strong cough or vomiting occurs, or if larger quantity has been ingested.

5. FIRE-FIGHTING MEASURES

EXTINGUISHING MEDIA

Extinguish with carbon dioxide, dry chemical or foam. Firemen may use a spread stream of water.

IMPROPER EXTINGUISHING MEDIA

Water may only be used by firemen.

FIRE AND EXPLOSION HAZARDS

HIGHLY FLAMMABLE! Vapours may form explosive mixtures with air at temperatures below room temperature. Fire will generate dense black smoke. The smoke from the fire contains carbon monoxide, carbon dioxide and hydrocarbons.

OTHER INFORMATION

Containers near fire must be moved and/or cooled with water.

6. ACCIDENTAL RELEASE MEASURES

PERSONAL PRECAUTIONS

Refer to protective measures listed in sections 7 and 8. Risk of ignition and explosion.

ENVIRONMENTAL PRECAUTIONS

Do not allow to enter sewers or drains.

METHODS FOR CLEANING UP

Collect spillage in suitable containers and deliver to waste treatment plant.

7. HANDLING AND STORAGE

HANDLING PRECAUTIONS

Provide good ventilation. When using do not eat, drink or smoke

STORAGE

Store in accordance with regulations for flammable materials. Store in tightly closed original container.

8. EXPOSURE CONTROL/PERSONAL PROTECTION

| Ingredients name | CAS no. | TLV value | TLV year |
|---|------------|----------------|----------|
| petroleum naphta (light), <0.1% benzene | 64742-49-0 | 50,0 ppm | 1996 |
| metyletylketon | 78-93-3 | 50,0 ppm (NGV) | 1996 |
| acetone | 67-64-1 | 250,0 ppm | 1996 |

EXPOSURE CONTROL

All work with dangerous chemical products must be done in a well ventilated and for this handling approved spaces. Eliminate all possible ignition sources. BE CAREFUL WITH SMOKING, FIRE, SPARKS AND WELDING.

RESPIRATORY PROTECTION

Gas mask with filter A (brown) may be necessary.

HAND PROTECTION

MSDS

MATERIAL SAFETY DATA SHEET

Last changed:

Internal No.:

Replaces date:

Quicktech Special Adhesive

For prolonged or repeated skin contact use suitable protective gloves.

PROTECTIVE CLOTHING

Protective clothing as needed.

9. PHYSICAL AND CHEMICAL PROPERTIES

| | | | |
|------------------------|--------------------------|------------------------------|------------|
| Physical State: | Putty. | Density: | 1.12 kg/m3 |
| Colour: | See specific information | Solubility in water: | insoluble |
| Odour: | Organic solvents. | Saturation conc.: | |
| Solubility: | Soluble in : | Rel. dens. sat. air (air=1): | |
| Melting point/range: | <0°C | Boiling point/range: | 57°C |
| Expl. limit LEL-UEL %: | 0.6-7 | pH concentrate: | |
| Vapour pressure: | | Viscosity: | |
| Decomposition temp.: | | Odour threshold value: | |
| pH solution: | | Rel. evap. velocity: | |
| Flash point: | 2°C | Water reactive: | |
| Molar weight: | | | |
| Ignition temp.: | >200°C | | |
| Rel.vap.dens.(air=1): | | | |
| Air reactive: | | | |

10. STABILITY AND REACTIVITY

STABILITY

Stable with normal handling.

HAZARDOUS DECOMPOSITION PRODUCTS

No decomposition products if used as directed. Fire causes formation of: Carbon monoxide (CO).
Hydrocarbons.

11. TOXICOLOGICAL INFORMATION

GENERAL

Below mentioned symptoms are valid for the solvents included in the product.

INHALATION

Headache. Indisposition. Fatigue. Dizziness. Narcotic effect (at high concentration).

SKIN CONTACT

Redness. Defats the skin; may cause cracking and dermatitis.

EYE CONTACT

Smarting. Redness. Passing irritation.

INGESTION

Causes similar symptoms as by inhalation. Ingestion may cause gastrointestinal irritation, nausea, vomiting and diarrhea.

12. ECOLOGICAL INFORMATION

ECOTOXICITY

petroleum naphtha (light), <0,1% benzene: R51/53 Toxic to aquatic organisms; may cause long-term adverse effects in the aquatic environment.

OTHER INFORMATION

Quantitative data on ecological effects for this product are not available. Do not allow discharge into drinking water reservoirs, drain or ground.

13. DISPOSAL CONSIDERATIONS

MSDS

MATERIAL SAFETY DATA SHEET

Last changed:

Internal No.:

Replaces date:

Quicktech Special Adhesive

GENERAL REGULATIONS

Classified as hazardous waste. If waste cannot be recycled or destructed in your own facilities (Note: permission) contact a contractor approved by the authorities.

14. TRANSPORT INFORMATION

PROPER SHIPPING NAME

Toll. reg. no:

HAZCHEM

(Y=black,y=white):

ADR (Road)

| | | | |
|-------------|--------|-------------|------|
| UN No. | 1133 | Dang. goods | Yes |
| Class | 3.5(c) | Label | 3 |
| Haz. ID No. | 33 | Marq. No. | 2301 |

RID (Railway)

| | | | |
|-------------|--------|-------------|-----|
| UN No. | 1133 | Dang. goods | Yes |
| Class | 3.5(c) | Label | 3 |
| Haz. ID No. | 33 | | |

IMDG(Sea)

| | | | |
|----------|--------|------------------|------|
| UN No. | 1133 | Dang. goods | Yes |
| Class | 3.5(c) | Label | 3 |
| Pkg Gr | | EmS | 3-05 |
| MFAG | 330 | Marine Pollutant | - |
| Sub Risk | | Page | 3174 |

IATA(Air)

| | | | |
|--------|------|-------------|-----|
| UN No. | 1133 | Dang. goods | Yes |
| Class | | Sub Risk | |
| Label | | Pkg Gr | |

15. REGULATORY INFORMATION

Classif.:



Highly flammable

R-PHRASES

R11 - Highly flammable. R66 Repeated exposure may cause skin dryness or cracking. R67 Vapours may cause drowsiness and dizziness.

S-PHRASES

S16-Keep away from sources of ignition - No smoking. S51-Use only in well ventilated areas. S62 If swallowed, do not induce vomiting; seek medical advice immediately and show this container or label.

16. OTHER INFORMATION

ISSUED: 07/05/02

VENDOR NOTES

R320/322 May be harmful by inhalation and if swallowed. R313 Dries out the skin. R51/53 Toxic to aquatic organisms; may cause long-term adverse effects in the aquatic environment. R65 Harmful: may cause lung damage if swallowed. R66 Repeated exposure may cause skin dryness or cracking. R67 Vapours may cause drowsiness and dizziness. R36 Irritating to the eyes. R320 May be harmful by inhalation.

MSDS

MATERIAL SAFETY DATA SHEET

Last changed:

Internal No.:

Replace date:

Quicktech Special Adhesive

Ex. 6

25

Sunchem AB**FAKTURA**Fakturanr
F16256Kundkod
5550Datum
020319

Leveransadress

Quicktech System AB
Box 648Quicktech System AB
Box 648
442 17 KungälvOrdernr
16082

Leveransvillkor

Ert ordernr.

Er referens

Transportsätt

Säljare

VAT

| ARTIKELKOD | SPECIFIKATION | ANTAL | A:PRIS | BELOPP |
|------------|--|-------------|----------|-----------|
| 600011 | Quicktech Patron Europa | 10000 Styck | 2.50 | 25.000.00 |
| 600012 | Quicktech Patron Norge | 10000 Styck | 2.50 | 25.000.00 |
| 500435 | Arbete Lumiere | 1 Styck | 500.00 | 500.00 |
| 500435 | Framtagning av filmer, diverse designarbete | 1 Styck | 5.300.00 | 5.300.00 |

| | | |
|------|--------|--------|
| | Kredit | Kredit |
| 2640 | 18950 | |
| 7010 | 5800 | |
| | 50.000 | 2410 |
| 6720 | 5800 | 69750 |
| | | Rec. |

Vårt företag är anslutet till REPA

BETALNINGSVILLKOR: FÖRSKOTTSLIKVIDFÖRFALLODAG: 020319
Efter förfallodagen debiteras
dröjsmålsränta med 14,00 %

Netto: 55.800.00
 Moms: 13.950.00
 Frakt: 0.00
 Exp. avg: 0.00
 Öresutjämning: 0.00
ATT BETALA: 69.750.00

| | | | | | | |
|-----------------|-----------------|------------|------------|----------------|----------|----------|
| Postadress | Besöksadress | Telefon | Telefax | Momsreg.nr/F- | Bankgir | Postgiro |
| Box 69 | Benjaminsväg 10 | 031-447310 | 031-449581 | SE556168967901 | 364-8151 | 442-5676 |
| 433 21 Partille | | | | | | |